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**REMARKS**

Claims 1-39 and 41 are currently pending in the subject application and are presently under consideration. Claims 27 and 41 have been amended herein to better define scope of the claims. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments below.

**I. Rejection of Claims 27-38 and 41 Under 35 U.S.C. §101**

Claims 27-38 and 41 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. Independent claims 27 and 41 have been amended herein to better define coverage of such claims. These amendments do not require the Examiner to perform any additional searching, and thus applicants' representative respectfully requests entrance of such amendments. As amended, independent claim 27 recites a process associated with physical data. Particularly, amended claim 27 is directed at a method that provides information retrieval *from a database*. Similarly, claim 41 has been amended herein to associate the signal with *a computing environment*. The subject claims are directed to an information retrieval system/methodology, and produce useful, concrete and tangible results. Given these amendments, the invention as recited in these claims undoubtedly *produces a useful, concrete, and tangible result*. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999).

Accordingly, as amended independent claims 27 and 41 (and claims 28-38 which respectively depend therefrom) are associated with physical data and/or matter, this rejection should be withdrawn.

**II. Rejection of Claims 1, 22, 23, 26, 27, 39 and 41 Under 35 U.S.C. §102(b)**

Claims 1, 22, 23, 26, 27, 39 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Horvitz *et al.* (US Patent 6,021,403). Withdrawal of this rejection is respectfully requested for at least the following reasons. Horvitz *et al.* does not disclose each and every element of applicants' claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single

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prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Particularly, and described in detail below, Horvitz, *et al.* does not disclose, teach, or suggest *providing feedback derived from a query and... probabilities associated with... an integer number of categories and... one or more topics* as recited in independent claims. The present invention as claimed allows for retrieval of information that is organized hierarchically (e.g., N categories, each of the N categories having one or more topics). A query is employed to search over information within the hierarchy, and the invention as claimed processes probabilities regarding whether desired information is resident within particular categories based at least in part upon the query. *Feedback* is thereafter *derived from the query and* the processed *probabilities*, wherein such *feedback* is *utilized to determine at least one category of an integer number of categories to facilitate retrieval of at least one of the one or more topics*. For one particular example, the present invention as claimed can be employed within a search engine, and a query of "Saturn" can be provided to such search engine. The subject claimed invention can thereafter process probabilities regarding whether the query is intended to find one or more topics within categories "Saturn cars", "The planet Saturn", and other suitable categories relating to the query "Saturn." Based upon the query and the processed probabilities, *feedback* employed to *determine an appropriate category and facilitate retrieval of one or more topics* is provided.

As stated above, Horvitz, *et al.* does not disclose, teach, or suggest *providing feedback derived from a query and... probabilities associated with... an integer number of categories and... one or more topics* as claimed. Horvitz, *et al.* is directed to a novel user assistance facility for a software program that assists a user in the software's operation. The system and/or methodology disclosed in Horvitz, *et al.* employs a model based upon user behavior to predict/determine when a user desires particular software functionality and/or assistance within the software program. For example, if a user employing software that displays a chart begins "menu surfing", the system/methodology of Horvitz, *et al.* can determine/predict that such user desires particular assistance with

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the chart given such events (*e.g.*, a chart being employed together with “menu surfing”). Furthermore, Horvitz, *et al.* discloses that a user query can be among events that are considered when determining/predicting a type of software assistance to provide to the user. For instance, if the user is employing software that displays a chart and such user queries “modifying chart”, the system/methodology of Horvitz, *et al.* can predict/determine that the user desires particular assistance in modifying the chart based upon the query and current application.

This use of queries as events within a predictive model, however, is not *providing feedback derived from a query and... probabilities associated with... an integer number of categories and... one or more topics* as claimed. Furthermore, the value of information component does not provide feedback *derived from a query*. Rather, the value of information component utilizes value of information procedures to compute a value of acquiring information about variables that *have not been observed*. See col. 22, lines 13-15. This is further exemplified in Fig. 16, wherein a list is maintained of *unobserved information* in order of value of such information as alternative information. See col. 22, lines 42-45 and Fig. 16, step 190. Thus, the value of information procedures assist in completion of a model, but cannot be categorized as *feedback derived from a query*, and such value of information procedures are not employed to *determine an appropriate category and facilitate retrieval of one or more topics* as recited in these claims.

In view of the at least above comments it is readily apparent that Horvitz *et al.* does disclose, teach, or suggest the present invention as recited in independent claim 1, claims 22, 23, 26 dependent therefrom, and independent claims 27, 39, 41. Therefore this rejection should be withdrawn.

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**III. Rejection of Claims 1-4, 6-13, 15-41 Under 35 U.S.C. §102(e)**

Claims 1-4, 6-13, 15-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Johnson *et al.* (US Patent 6,567,805). Withdrawal of this rejection is respectfully requested for at least the following reasons. A 37 C.F.R. §1.131 Declaration has been filed concurrently herewith which illustrates that the subject claimed invention was reduced to practice prior to the effective date of Johnson, *et al.* Accordingly, this rejection should be withdrawn.

**IV. Rejection of Claim 5 Under 35 U.S.C. §103(a)**

Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious over Johnson *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons. Johnson, *et al.* has been antedated by the 37 C.F.R. §1.131 Declaration. Thus, this rejection should be withdrawn.

**V. Rejection of Claim 14 Under 35 U.S.C. §103(a)**

Claim 14 stands rejected under 35 U.S.C. §103(a) as being obvious under Johnson *et al.*, in view of Herz, *et al.* (US Patent 5,835,087). Withdrawal of this rejection is respectfully requested for at least the following reasons. Johnson, *et al.* has been antedated by the 37 C.F.R. §1.131 Declaration, and Herz, *et al.* does not teach or suggest each and every element of applicants' claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

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Conclusion

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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